HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.25848 of 2006

Dated 28th Day of August, 2007

Between:

Settibathula Rajababu ..
Petitioner

And

The Superintendent of Police,
Kakinada, East Godavari District
and two others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in opening Rowdy Sheet against the petitioner in the 3rd respondent-Police Station on 26.10.2005, as arbitrary and illegal.

The petitioner asserts that he was tried in S.C.No.130 of 1998 arising out of Cr.No.111 of 1997 of Ramachandrapuram Police Station along with other accused for the offences punishable under Sections 420, 506(ii), 451 and 354 read with 149 IPC and the learned Assistant Sessions Judge, Ramachandrapuram, by his judgment dated 2.11.2001, acquitted him. The petitioner was also tried in Cr.No.112 of 1997 for the offence punishable under Section 224 IPC and the learned Judicial First Class Magistrate acquitted him. Now, his grievance is that the Station House Officers of Ramachanadrapuram and other areas have falsely implicated him in various other crimes making baseless and frivolous allegations.

The 3rd respondent-Station House Officer, Ramachandrapuram Police Station, has filed counter affidavit stating that the petitioner is involved in the following six criminal cases, which are pending.

1. Cr.No.9 of 2005 U/Sec.447 and 427 read with 34 IPC
2. Cr.No.23 of 2005 U/Sec.342, 506 IPC
3. Cr.No.90 of 2005 U/Sec.151 Cr.P.C (action was dropped)
4. Cr.No.164 of 2005 U/Sec.307 read with 34 IPC (on the file of Ramachandrapuram Police Station)
5. Cr.No.86 of 2005 U/Secs.341, 290 and 506 read with 34 IPC (on

the file of Draksharama Police Station)

6. Cr.No.76 of 2003 U/Secs.143, 147, 447, 427, 353 and 500(2) read with 149 IPC of Karapa Police Station.

It is further averred in the counter that the petitioner also raised disputes between the communities in Ramachandrapuram Town and created law and order problems. When five cases are pending against him, the opening of Rowdy Sheet under Order 601 of A.P. Police Manual, Part-I, Volume –2 against the petitioner cannot be said to illegal or unsustainable.

Heard the learned counsel for both the parties and perused the material placed on record.

Under Order 601-A of A.P. Police Manual, a Rowdy Sheet can be opened against a person if he habitually commits, attempts to commit or abets the commission of offences involving breach of peace, disturbance to public order and security. Further, pendency of more than one criminal case against such person constitutes sufficient ground to open a Rowdy Sheet under this proviso. In the instant case, inasmuch as five cases are pending against the petitioner, it cannot be said that he has not attempted to commit any offence. Therefore, this Court is of the view that as long as two cases are pending against the petitioner, Rowdy Sheet can be opened and continued under Section 601-A of the A.P. Police Manual.

In view of the afore-mentioned provision of law, I do not see any merits in this writ petition, which deserves to be dismissed.

In the result, the writ petition is dismissed. No costs.

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28.08.2007

bcj